IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO. 9251/1997

Between:

Devendrappa,
S/o.Gurulingappa
Guntur, Age: major,
Occ: Agriculture,
R/o.Narayanapur,
Tq: Basakalyan,
Dist: Bidar.   ..Petitioner

        (Sri Basavaraj Kareddy, Advocate)

And:

The Town Municipal
Council, Basavakalyan,
Bidar Distrist,
represented by Chief
Officer.   ..Respondent
(served)

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        Writ petition is filed under Articles 226 and
227 of the Constitution of India praying to
quash Annex-ure -D dated 12.3.1997.

        This petition coming up for preliminary
hearing on this day, the Court made the following:

                    ORDER

        The petitioner claims to be the owner of the

site bearing TMC No.6511/A situated at Tripurant

area of Basavakalyan, Bidar District. On the

application made by the petitioner the respondent-

Municipal Council effected katna in respect of

this property in favour of the petitioner. There-
after on the application filed by the petitioner
the Municipal Council has granted mutation license
permitting the petitioner to put up construction
on the said property. After the grant of mutation
the Chief Officer issued a notice, Annexure-D
cancelling the mutation granted in favour of the
petitioner with reference to resolution No.70
dated 5.2.1997. This cancellation is under
challenge in this writ petition.

2. Learned counsel for the petitioner
submitted that resolution No.70 is nothing
to do with the cancellation of mutation granted
in favour of the petitioner and it is further
submitted even assuming that there is any
such resolution the Chief Officer was not right
in cancelling the mutation without affording
any opportunity to the petitioner when the
Municipal Council has already effected the
mutation in favour of the petitioner. There-
fore, in my view the writ petition has to
be allowed.

2. In the result, I pass the following order:

Writ petition is allowed. The notice dated 12.3.1997, Annexure-D issued by the Chief Officer cancelling the mutation which was in the name of the petitioner is quashed.

Sd/-
JUDGE

G/100698